



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

Policy and Legislation Committee

Brian Baca, Chair; Erin Garner; Benjamin Licari; Kathy Lund

www.conservation.ca.gov/smgb

smgb@conservation.ca.gov

Approval Date: December 9, 2010

CONFORMED MINUTES

THE POLICY AND LEGISLATION COMMITTEE (Brian Baca, Chair; Erin Garner; Benjamin Licari; Kathy Lund) OF THE STATE MINING AND GEOLOGY BOARD

Conducted a Meeting on:

Draft

Thursday, November 10, 2010

8:30 A. M.

Assembly Hearing Room #444
State Capitol
Sacramento, California 95814

AGENDA

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/> (note: Agenda reports should be available electronically approximately one week prior to the scheduled meeting/hearing date).

The SMGB requires that all lengthy comments be submitted in writing in advance of the meeting date where this matter is to be decided. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office located at 801 K Street, Sacramento, CA, 95814, no later than 5:00 P.M., 15 calendar days prior to the scheduled meeting date, and must identify the Agenda Item to which it relates. For written materials in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 15 copies. The SMGB will not reproduce these types of documents. Comments on Agenda Items will be accepted by electronic mail, and are subject to the same conditions set forth for other written submissions.

New submittals received after 15 calendar days prior to the scheduled meeting date will be marked as late, and the SMGB will decide whether new submittals will be considered or not during the public hearing. Late submittals, received by the SMGB at least 48 hours prior to the scheduled meeting, will be included in a late document submittal listing. Late submittals, received after 48 hours prior to the scheduled meeting, will not be included on the late document submittal list. The SMGB would accept a two-page written summary of testimony, or final comments based on, and limited to, review of the SMGB's packet and/or Executive Officer's

report, at the time of the public hearing. Such two-page summaries would be included as part of the administrative record before the SMGB. This policy does not apply to quasijudicial proceedings (i.e., appeals, petitions, etc.) where administrative procedures for the submittal of documents are set forth in statute and regulation.

Individuals are responsible for presenting their own projects at the meeting.

[NOTE: Times are approximate. The chairman may alter the hearing start time or agenda item order during the meeting]

I. Call to Order (Baca)

II. Roll Call and Declaration of a Quorum

The committee meeting was called to order at 8:30 A. M. All committee members were present at the time of roll call, with Committee Member Lund absent, and a quorum was declared.

III. Consent Items [Action]

[All the items appearing under this section will be acted upon by the committee by one motion and without discussion; however, any committee member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business]

1. Approval of Minutes, October 14, 2010, Committee Meeting.

Committee Member Garner moved to approve the minutes. Board Member Licari seconded and the motion carried with a unanimous voice vote.

IV. Continued Business [Action]

[These business items have been continued from a previous meeting/hearing]

2. Discussion of Potential Amendment to SMGB Regulations Pertaining to Placement on and Removal from the AB 3098 List.

OMR periodically publishes a list of mines regulated under SMARA that meet provisions set forth under California's Public Resources Code, Section 2717(b). This list is generally referred to as the AB 3098 List, in reference to the 1992 legislation, that established it. Sections 10295.5 and 20676 of the Public Contract Code preclude mining operations that are not on the AB 3098 List from selling sand, gravel, aggregates, or other mined materials, to state or local agencies. Although what is required to be on the list is clearly spelled out, procedures for removal or subsequent reinstatement to the list are less clearly defined. The SMGB, at its July meeting, directed this matter to the Policy and Legislation Committee, and for the EO to provide a draft of regulatory language addressing the matter of due process for the Committee's consideration. Since such time, OMR has taken the lead in developing draft regulations for this Committee and the SMGB's consideration. In October, additional opportunity was offered to allow stakeholders to provide comment. The Committee heard from Greg Tenorio, legal council for the DOC, who offered to provide a flow chart showing conceptually the overall process. OMR is prepared to make a presentation.



- Damien Galford, Project Manager, EnviroMINE, Inc.
- John Hecht, President, Sespe Consulting
- Jay Schneider

No action was taken by the Committee.

3. Discussion of Potential Process Streamlining and Cost Reduction in the Implementation of the Surface Mining and Reclamation Act (SMARA).

Executive Officer Testa noted that At the March 11 and April 15, 2010, meetings of the Policy and Legislation Committee (Committee), the Committee discussed considerations pertaining to how local permitting impacts Mineral Resource Zones (MRZ-2) designation, and examine the SMGB's role in local permitting of mining decisions and what role the SMGB could play. On April 15, 2009, this committee discussed whether the SMGB or State should have a more prominent role in the local permitting of mining on designated mineral lands, and should a land owner have an intent to mine, should the SMGB or State be involved. Not being considered is the scenario where the land owner does not have an intent to mine. In October the Committee provided opportunity to hear from stakeholders, prior to considering recommendations to be incorporated into the SMGB's 2009-2010 annual report. In October, the EO offered to develop a survey questionnaire for the Committee's consideration. The questionnaire would upon approval be forwarded to SMARA lead agencies.

- Following general discussion by the Committee members, Committee Chairman Member Baca directed the Executive Officer to develop a survey questionnaire to be forwarded to SMARA lead agencies, for the Committee's consideration at the next meeting of the Committee scheduled for November 2010.
- Jay Schneider

No action was taken by the Committee.

V. New Business [Action]

4. Consideration to Amend Form MRRC-4L to Include Idle Mines in Consideration of a Low Gross Exemption Pursuant to California Code of Regulations Section 3360(a).

At the October 14, 2010, meeting of the Policy and Legislation Committee (Committee), the Committee after hearing from stakeholders discussed the need to amend Form MRRC-4L to include idle mines when the Department of Conservation Office of Mine Reclamation (OMR) is considering granting of a Low Gross Exemption. Form MRRC-4L has been amended to include idle mines. The Committee is considering recommending to the whole State Mining and Geology Board (SMGB) approval of the amended form which is referenced in California Code of Regulations (CCR) Section 3699(a).



VI. Good of the Meeting [Information]

[This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the Committee should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman]

- Jay Schneider
- Rick Churches

VII. Continuing Business [Information]

[This item is provided as an opportunity for any SMGB Committee member to receive information on or any items of continuing interest to the SMGB.]

No continued business for the committee's information was presented or discussed.

VIII. New Business [Information]

[This item is provided as an opportunity for any SMGB Committee member to bring any item of new business to the Committee's attention for further discussion and further action.]

No new business was offered.

IX. Announcements of Future Meetings

The next meeting of the Policy and Legislation Committee was scheduled concurrent with the next SMGB regular business meeting in December 2010.

X. Adjournment

The Committee meeting was adjourned at 10:00 A.M.

APPROVED

Brian Baca, Committee Chairman

Stephen M. Testa, Executive Officer

